

REMARKS

INTRODUCTION

In accordance with the foregoing, claim 1 has been amended. Claims 6 and 13-16 have been cancelled. Claims 1-5 and 7-12 are pending and under consideration.

CLAIM REJECTIONS

Claims 1-5, 7, 8 and 11 were rejected under 35 USC 102(b) as being anticipated by Komma et al. (US 5,644,413) (hereinafter "Komma").

Claims 6 and 13-16 were rejected under 35 USC 103(a) as being unpatentable over Komma in view of Park et al. (US 2003/0053394) (hereinafter "Park").

Claims 1-16

Amended claim 1 recites "...a holder in which the light source is fixed; and a cylinder, in which at least two of the grating, the wavelength plate, and the optical output compensating lens are fixed and which is movable in an optical axis direction with respect to the holder and is installed rotatably..." Support for this amendment may be found in at least original claim 6.

The priority date of the present application is December 10, 2002, based on KR 2002-78164. In accordance with the provisions of 37 CFR 1.55, a certified English translation of KR 2002-78164 is submitted herewith in order to overcome the date of a reference relied upon by the Examiner. In view of the priority date of the present application, December 10, 2002, it is respectfully submitted that Park, having a US filing date of September 17, 2002, is only available as a reference under 35 USC 102(e).

The Office Action relies on Park to supply this feature of amended claim 1. However, it is respectfully submitted that Park is not available as prior art under 35 USC 103(c) as Park and the present application were commonly owned at the time of the invention of the present application. According to MPEP 706.02(I)(3), this statement alone is sufficient evidence to disqualify Park from being used in a rejection under 35 USC 103(a) against the claims of the present application. In further accordance with MPEP 706.02(I)(3), the preceding statement is additionally made below under a separate, distinct heading.

Claims 6 and 13-16 have been cancelled. Claims 2-5 and 7-12 depend on claim 1 and are therefore believed to be allowable for at least the foregoing reasons.

Withdrawal of the foregoing rejection is requested.

STATEMENT REGARDING COMMON OWNERSHIP

Application 10/687,764 and U.S. Patent Application Publication No. 2003/0053394 were, at the time the invention of Application 10/687,764 was made, owned by Samsung Electronics Co., Ltd.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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